

HUNTON &  
WILLIAMS

1900 K STREET, N.W.  
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500  
FAX 202 • 778 • 2201

July 19, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

KIMBERLY A. NEWMAN  
DIRECT DIAL: 202-778-2225  
EMAIL: [knewman@hunton.com](mailto:knewman@hunton.com)

FILE NO: 46001.000278

By Hand

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: *WorldCom, Cox, and AT&T ads. Verizon*  
CC Docket Nos. 00-218, 00-249, and 00-251

Dear Ms. Salas:

Enclosed for filing on behalf of Verizon, please find four copies of Verizon's Opposition to AT&T's Motion to Compel Answers to AT&T's Third Set of Data Requests.

Please do not hesitate to call me with any questions.

Very truly yours,

*Kimberly Newman / awc*

Kimberly A. Newman

cc: Dorothy T. Attwood (8 copies)(by hand)  
David Levy, Esq.  
Mark A. Keffer, Esq.

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
Petition of AT&T Communications of )  
Virginia Inc., Pursuant to Section 252(e)(5) ) CC Docket No. 00-251  
of the Communications Act for Preemption )  
of the Jurisdiction of the Virginia )  
Corporation Commission Regarding )  
Interconnection Disputes With Verizon )  
Virginia Inc. )

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**VERIZON VIRGINIA INC.'S OPPOSITION TO  
AT&T'S MOTION TO COMPEL ANSWERS  
TO AT&T'S THIRD SET OF DATA REQUESTS**

Since the opening of the discovery phase of this case, AT&T has inundated Verizon Virginia with an unending stream of data requests: seven sets, collectively containing 203 numbered interrogatories and document requests. Many of these 203 requests contain subordinate questions and multiple scenarios, such that the total count of discovery requests is easily twice the number enumerated.<sup>1</sup>

In spite of this obviously deliberate tactic to overwhelm Verizon's resources, Verizon Virginia has made every effort to provide AT&T with timely, substantive comments to all requests that are not objectionable. In accordance with the Commission's regulations and the Procedural Order entered in this case, Verizon Virginia has filed and served general objections within the three day period allowed.<sup>2</sup> Once Verizon Virginia has been able to digest the nature

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<sup>1</sup> During this same period, WorldCom has served Verizon Virginia with one set of discovery requests.

<sup>2</sup> AT&T's complaint about the specificity of Verizon Virginia's objections is specious. Counsel for Verizon has discussed, on several occasions, with counsel for AT&T the fact that the three day period allowed for filing objections affords a responding party little opportunity to do  
(continued...)

of the requests, counsel for Verizon has either discussed with counsel for AT&T specific objections to specific requests, or left counsel for AT&T a voice message inviting such discussions. Finally, when Verizon Virginia answers the discovery requests, it has stated with specificity the bases on which it has refused to answer any questions.

AT&T's second Motion to Compel is nothing more than posturing. On July 12, Verizon Virginia served AT&T with responses to AT&T's Third Set of Data Requests.<sup>3</sup> In response to 19 of those data requests, Verizon Virginia stated that it would provide answers as promptly as possible. In a telephone call with counsel for AT&T, counsel for Verizon explained that most of the delay was due to the fact that key personnel were involved in a § 252 proceeding in Pennsylvania that went to hearing that week. AT&T's response to Verizon's dilemma is predictable: "Regardless of schedules, over the course of the last 22 days, Verizon Virginia should have been able to respond to these 19 questions." AT&T Motion at 2, fn 3. Such glib retorts are the luxury of those who need not concern themselves with the facts of the situation.

Verizon is a party to proceedings in several states that are running concurrently with this proceeding. Many issues overlap among this and the various state proceedings. Thus, the subject matter experts, who - for all of these cases - are intimately involved in responding to discovery, developing testimony, preparing for hearings and testifying, are stretched very thin.

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anything other than preserve potential objections. Counsel for AT&T has never taken issue with that procedure.

<sup>3</sup> Counsel for Verizon had informed counsel for AT&T in advance that these responses would be late and that they would be incomplete, but that Verizon Virginia would provide AT&T with responses to all questions as quickly as possible.

Verizon has done its best to meet all discovery deadlines, and will continue to do so in the future, but given the excessive volume of discovery served on it by AT&T, some delays are inevitable.<sup>4</sup>

As it indicated it would before the instant motion was filed, Verizon Virginia has, today, served on AT&T answers to 17 of the 19 data requests at issue.<sup>5</sup>

Respectfully submitted,

Karen Zacharia / by *permission*  
CWC

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<sup>4</sup> In its Motion, AT&T fails to acknowledge that Verizon Virginia has voluntarily provided AT&T with supplemental answers to its first and second sets of data requests in an effort to address AT&T's questions with or challenges to Verizon Virginia's original answers.

<sup>5</sup> Yesterday, Verizon Virginia served responses to AT&T's Fourth and Fifth Sets of Data Requests.

Michael E. Glover

- Of Counsel

Richard D. Gary  
Kelly L. Faglioni  
Hunton & Williams  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219-4074  
(804) 788-8200

Catherine Kane Ronis  
Wilmer, Cutler & Pickering  
2445 M Street, NW  
Washington, DC 20037-1420

Of Counsel

Dated: July 18, 2001

Karen Zacharia  
David Hall  
1320 North Court House Road  
Eighth Floor  
Arlington, Virginia 22201  
(703) 974-2804

Lydia R. Pulley  
600 E. Main St., 11<sup>th</sup> Floor Richmond, VA  
23233  
(804) 772-1547

Attorneys for Verizon

CERTIFICATE OF SERVICE

I do hereby certify that true and accurate copies of the foregoing Opposition to AT&T's Motion to Compel were served electronically and by overnight mail this 18<sup>th</sup> day of July, 2001, to:

Mark A. Keffer  
Dan W. Long  
Stephanie Baldanzi  
AT&T  
3033 Chain Bridge Road  
Oakton, Virginia 22185

and

David Levy  
Sidley & Austin  
1722 Eye Street, N.W.  
Washington, D.C. 20006

Constance Corry